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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SAM HARGROVE, ANDRE HALL, and MARCO EUSEBIO, individually and on behalf of all others similarly situated, Plaintiffs, vs. SLEEPY’S, LLC, Defendant.	Civil Action No. 10-01138-PGS- LHG (HONORABLE PETER G. SHERIDAN) FILED VIA ECF
SLEEPY’S, LLC, Cross-Claim Plaintiff, vs. I STEALTH, LLC, EUSEBIO’S TRUCKING CORP., and CURVA TRUCKING, LLC, Cross-Claim Defendants.	Returnable: September 19, 2011

**NOTICE OF DEFENDANT/CROSS-CLAIM PLAINTIFF SLEEPY’S,
LLC’S MOTION FOR SUMMARY JUDGMENT**

TO: ANTHONY L. MARCHETTI
Marchetti Law, P.C.
900 N. Kings Highway, Suite 306
Cherry Hill, NJ 08034

Attorney for Plaintiffs Sam Hargrove, Andre Hall, and Marco Eusebio

PLEASE TAKE NOTICE THAT the undersigned attorneys for Defendant/Cross-Claim Plaintiff Sleepy's, LLC ("Sleepy's") will move before the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey, before the Honorable Peter G. Sheridan on September 19, 2011 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Civil Rules for the District of New Jersey, entering summary judgment in Sleepy's favor on all counts of Plaintiffs Sam Hargrove, Andre Hall, and Marco Eusebio's Complaint.

PLEASE TAKE FURTHER NOTICE that, in support of the Motion herein, the undersigned attorneys for Sleepy's will rely on the Brief in Support of its Motion for Summary Judgment and its Statement of Undisputed Material Facts and attached Exhibits, pursuant to L. Civ. R. 56.1.

A proposed Order is enclosed.

Respectfully submitted,

s/ Elizabeth Tempio Clement

Matthew J. Hank

Kimberly J. Gost

Theo E.M. Gould

Elizabeth Tempio Clement

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August 16, 2011